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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on July 20, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-7513 - 36

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of Gemini Air Cargo, Inc. filed 7/20/01 for:

XX Exemption from Order 2000-10-19; startup deadline:

By Order 2000-10-19, the Department granted Gemini Air Cargo, Inc. (a) an exemption to engage in scheduled foreign air transportation of property and mail between Miami, Florida, on the one hand, and Quito and Guayaquil, Ecuador, on the other, (b) an exemption to integrate such authority with Gemini's existing certificate and exemption authority, and (c) an allocation of three weekly frequencies (narrow-body aircraft or wide-body equivalent) for services in the United States-Ecuador market. Gemini's frequency award was subject to a 90-day startup condition as well as our standard 90-day dormancy condition. Under the award Gemini was required to begin service before January 21, 2001. On January 19, 2001, the Department granted Gemini an extension of the startup requirement through April 23, 2001. On April 23, 2001, the Department granted Gemini a further extension of the startup requirement through July 22, 2001.

In its current application, Gemini requests a further extension due to a continued delay in obtaining scheduled authority from the Government of Ecuador. Gemini attaches a letter from the Government of Ecuador, dated July 12, 2001, and states that, per that letter, Gemini's application will be the subject of a public hearing on August 7, 2001, that Gemini is complying with all of the requirements for the hearing as set forth in the letter, and that Gemini understands from its representatives in Ecuador that the Ecuadoran Government should issue authority to Gemini very shortly after the hearing on August 7. In these circumstances, Gemini requests an extension of the startup requirement through October 19, 2001.

Applicant rep.: Moffett B. Roller (202) 331-3300 DOT analyst: Linda Senese (202) 366-2367

DISPOSITION

XX Granted in part (see remarks below)

XX Balance deferred.

The above action was effective when taken: July 20, 2001, through August 20, 2001

XX Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

(See Reverse Side)

Remarks: Under the Department's regulations, answers to Gemini's application would normally be due August 6, 2001, and replies to any answers would be due August 15, 2001. Since Gemini's authority would automatically expire July 22, 2001, we are granting a temporary waiver for procedural reasons to keep Gemini's authority in force until we have the opportunity to consider any comments filed and to have a complete record.

In this regard, Gemini states that a hearing on its license is scheduled for August 7 in Ecuador. We will require that Gemini supplement the record of this case to confirm in writing to the Department and all parties to the proceeding in Docket OST-2000-7513 no later than August 9, 2001, that the hearing took place as scheduled and also to identify any further procedural steps that must be completed for Gemini to be granted its Ecuadoran license.

Inasmuch as we expect Gemini to supplement the record concerning its application, and because such information could be relevant to interested parties, we will extend the period for answers to this application and to the supplement to be filed by Gemini to August 14, 2001, and will require that replies to any answers be filed by August 16, 2001. We find that such extension is in the public interest since it will afford parties to the proceeding as well as the Department the benefit of a more complete record on which to consider Gemini's request.

Under the authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the exemption was consistent with the public interest. To the extent not granted or deferred, we denied all requests in the referenced Docket. We may amend, modify, or revoke the action taken in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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http://dms.dot.gov/reports/reports_aviation.asp*